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**BOARD OF SUPERVISORS
ACTION ITEM**

SUBJECT: Transportation and Land Use Committee Report:

ZOAM 2007-0004 Farm Markets in Various Zoning Districts and Reduce Minimum Acreage Requirements for Agriculture, Horticulture, and Animal Husbandry Uses

ELECTION DISTRICTS: County-wide

CRITICAL ACTION DATE: At the Pleasure of the Board

STAFF CONTACTS : Michelle Lohr, Zoning Administration

RECOMMENDATIONS:

Transportation and Land Use Committee (TLUC): At its February 22, 2010 meeting, the TLUC voted 5-0 to forward ZOAM 2007-0004 to the Board of Supervisors with a recommendation of approval, to amend the Revised 1993 Loudoun County Zoning Ordinance regarding Farm Markets and the minimum acreage requirements for Agriculture, Horticulture, and Animal Husbandry uses, including the revisions made by the TLUC, as contained in Attachment 2.

Planning Commission: The Planning Commission voted unanimously on December 1, 2009 to forward ZOAM 2007-0004 to the Board of Supervisors with a recommendation for approval of the draft text included in Attachment 1.

Staff: Staff concurs with the TLUC recommendation.

BACKGROUND

The Planning Commission and Board of Supervisors held previous public hearings (11/19/07 and 1/8/08, respectively) regarding proposed amendments to the regulations regarding Farm markets. Following discussions by the Planning Commission, the proposed amendments were revised to include other zoning districts and amendments, thus prompting the need for a new Resolution of Intent to Amend the Zoning Ordinance that was adopted February 17, 2009. The amendments as proposed would create a new use type, "Farm markets (off-site production)" permitted by special exception in the AR-1, AR-2, JLMA-1, JLMA-2, JLMA-3, JLMA-20, TR-10, TR-3, TR-2, TR-1 districts, ensure consistency between the definition of Farm market and the Additional Regulations of Section 5-603, establish a maximum structure size for both types of Farm markets and establish parking and landscaping requirements for Farm markets (off-site production). Further, amendments are proposed to clarify the types of uses that may be established with a sketch plan.

During review of the proposed Farm market amendments in January 2009, the Transportation and Land Use Committee discussed a letter addressed to the Board of Supervisors from the Rural Economic Development Council (REDC) recommending that the minimum acreage requirement for Agriculture, Horticulture and Animal Husbandry be eliminated.

The Transportation and Land Use Committee recommended to the Board of Supervisors that the Resolution of Intent to Amend include an amendment regarding the minimum acreage for agriculture, horticulture and animal husbandry in addition to the Farm market amendments.

On February 17, 2009, the Board of Supervisors adopted a Resolution of Intent to Amend the Revised 1993 Loudoun County Zoning Ordinance (Zoning Ordinance) to add Farm markets without agricultural production on-site, as a special exception use within the AR-1, AR-2, JLMA-1, JLMA-2, JLMA-3, JLMA-20, TR-10, TR-3, TR-2, TR-1 zoning districts and to reduce the minimum acreage requirements for agriculture, horticulture, and animal husbandry uses. The amendments propose to: (1) amend Tables 2-102, 2-202, 2-1003, 2-1103, 2-1203, 2-1303, 2-1402, 2-1502, 2-1602 and 2-1702 to add a new use type, Farm markets (off-site production), as a special exception use within the Use Category of "Retail Sales and Service" for the AR-1, AR-2, JLMA-1, JLMA-2, JLMA-3, JLMA-20, TR-10, TR-3, TR-2, TR-1 districts, (2) amend Article 8, *Definitions*, including, without limitation, amending the existing definition of "Animal Husbandry" and establishing new definitions for "Farm Market (off-site production)" and "Livestock" and "Pet"; (3) amend Additional Regulations Section 5-603, *Farm markets*, to ensure consistency in regulations and terminology and establish new maximum building size, parking, landscaping and buffering standards; (4) amend Additional Regulations Section 5-626, *Agriculture, Horticulture and Animal Husbandry*, to reduce and/or eliminate minimum acreage requirements under certain circumstances; (5) amend Section 6-700, *Site Plan Review*, to clarify when site plans or rural sketch plans are required, and (6) amend such other sections of the Zoning Ordinance as necessary to implement and maintain consistency with the foregoing amendments.

As a reminder for the Board of Supervisors and the public, with the adoption of amendments to the Zoning Ordinance on December 3, 2007, the minimum acreage requirement in Section 5-626 for Agriculture, Horticulture and Animal Husbandry uses had been increased from 3 to 5 acres. The Board of Supervisors has subsequently reviewed three requests for modifications through the minor special exception process (SPEX 2008-0029 Berkeszi, SPEX 2009-0043 Francis Property, SPMI 2009-0004 Oberlander) seeking reduction of the 5-acre minimum. All three applications were approved with conditions limiting the number of animals on the property based on the size and characteristics of the specific parcel.

The Planning Commission conducted a public hearing on October 15, 2009. Four people spoke in favor of the amendment and one spoke in opposition. The Commission held work sessions on November 12, 2009 and December 1, 2009 to discuss the proposed amendments.

At the December 1, 2009 work session, the Planning Commission voted 9-0 to send ZOAM 2007-0004 to the Board of Supervisors with a recommendation of approval, subject to the changes to the proposed text made at the December 1st meeting. The revised language is included in Attachment 1. (Staff has noted some grammatical, spelling and punctuation corrections which are indicated by double underline.)

On January 11, 2010, the Board of Supervisors held a public hearing at which one person spoke against the amendments associated with the reduction of the minimum acreage requirement for agriculture, horticulture and animal husbandry. During discussion at the conclusion of the public hearing, Board members expressed concern regarding (1) the landscaping requirements proposed for the proposed Farm market (off-site production) use, (2) the lack of guidance in the amendments to address the maximum number of animals that would be permitted based on acreage, (3) the specific districts that are proposed to include the Farm Market (off-site production) use, (4) the use of

percentage of products offered for sale as a means of measurement rather than the current measurement of gross sales receipts and (5) whether the Board could consider reducing the required percentage of products required to be from Loudoun County from 25% to a lesser percentage such as 15%. A question was also raised regarding the history of the proposed amendments to the Farm Market use.

At the conclusion of the Board's public hearing, the Board voted 9-0 to forward ZOAM 2007-0004 to the Transportation and Land Use Committee for further discussion on the proposed amendments and specifically the issues addressed below.

At the February 22, 2010 TLUC Meeting, the TLUC voted 5-0 to send ZOAM 2007-0004 to the Board with a recommendation of approval, including the revisions recommended by the TLUC (Attachment 2). The revisions include: (1) amend the draft text so that the Farm Market (off-site production) use is only permitted in the JLMA 1, 2, and 3 districts and (2) permit animal husbandry on properties of two (2) to five (5) acres with an approved Conservation Farm Plan with Best Management Practices.

While deliberating the matter at the February 22, 2010 meeting, the Committee initially discussed revising the ordinance to permit animal husbandry uses with no minimum lot size, with a Conservation Farm Plan including Best Management Practices on a parcel less than 3 acres. The Committee ultimately agreed, however, there should be a minimum lot size to accommodate a house, well, and drainfield and discussed whether the appropriate minimum lot size should be 5 acres or 3 acres with 2 usable acres.

After consideration of language proposed during the Planning Commission's review of Section 5-626(A)(ii) (See page A28 from the February 22, 2010 Committee item) defining usable acreage as "land that is not located within 100 feet of a well, does not contain steep slopes, floodplain, a drainfield or reserve drainfield area and is at least 30 feet from a stream...", the Committee agreed to recommend animal husbandry uses be permitted on less than 5 acres with a minimum lot size of 2 acres, and to require a Conservation Farm Plan with Best Management Practices that takes into consideration the type and construction of any wells, septic fields, environmental features, etc. as proposed in Section 5-626(B).

Supervisor York moved approval of ZOAM 2007-0004, Farm Markets in Various Zoning Districts and Minimum Acreage Requirements for Agriculture, Horticulture, and Animal Husbandry Uses as amended February 22, 2010 at the Transportation and Land Use Committee. Supervisor Kurtz seconded. The motion passed 5-0.

ISSUE:

What is the effect of the reduction of the minimum acreage requirement on existing approved special exceptions that were granted to modify the current 5 acre minimum requirement of Section 5-626.

If the new regulations are less restrictive than an approved special exception, the property owner can certainly pursue the new regulations. If an approved special exception is less restrictive, the property owner can pursue the special exception under vested rights statutes.

FISCAL IMPACT:

The cost of proceeding with this item is included in current staff workloads to aid property owners in the development of the Conservation Farm Plans. These plans are proposed to be developed through and with the Loudoun Soil and Water Conservation District and the Virginia Cooperative Extension Services.

ALTERNATIVES:

- 1) Approve ZOAM 2007-0004; or
- 2) Deny ZOAM 2007-0004; or
- 3) Forward ZOAM 2007-0004 back to the Transportation and Land Use Committee for further discussion.

SUGGESTED MOTIONS:

1. I move that the Board of Supervisors approve ZOAM 2007-0004 regarding permitting Farm Markets (off-site production) in various zoning districts and to reduce the minimum acreage required to establish Agriculture, Horticulture and Animal Husbandry uses, as contained in Attachment 2, Pages A7–A12. I further move that the Board of Supervisors find that this Amendment is required by the public necessity, convenience, general welfare and good zoning practice.

OR

2. I move an alternate motion.

ATTACHMENTS:

1. Planning Commission Recommended Text, Revised through December 1, 2010 A1-A6
With grammatical, spelling & punctuation revisions by Staff.
2. Transportation and Land Use Committee Recommended Text regarding Farm A7-A12
Markets and Agriculture, Horticulture, and Animal Husbandry Uses, dated
February 22, 2010.
3. February 22, 2010 Transportation and Land Use Committee Item #3.. A13-A31

PROPOSED AMENDMENTS
ZOAM 2007-0004
January 11, 2010 Board of Supervisors Public Hearing

Revised through December 1, 2009
(with grammatical, spelling and punctuation corrections by Staff)

Amend the following sections of the Revised 1993 Loudoun County Zoning Ordinance to add the Use Type "Farm market (off-site production)" within the Use Category of Retail Sales and Service as a special exception use:

- 2-101 AR-1 (Agricultural Rural – 1),
- 2-202 AR-2 (Agricultural Rural – 2),
- 2-1003 JLMA-1 (Joint Land Management Area – 1),
- 2-1103 JLMA-2 (Joint Land Management Area – 2),
- 2-1203 JLMA-3 (Joint Land Management Area -3),
- 2-1303 JLMA-20 (Joint Land Management Area – 20),
- 2-1402 TR-10 (Transitional Residential – 10),
- 2-1502 TR-3 (Transitional Residential – 3),
- 2-1602 TR-2 (Transitional Residential – 2),
- 2- 1702 TR-1 (Transitional Residential – 2)

5-603 Farm Markets may be located in accord with the lists of permitted and special exception uses for the individual zoning districts, subject to the following additional provisions:

- (A) Except as provided in subsection F below, a ~~A~~ minimum of 25% of the ~~gross sales receipts~~ products offered for sale must be derived directly from agricultural, horticultural, aquacultural, or animal husbandry products produced on site or on other property in Loudoun County owned or leased by the operator of the Farm Market in Loudoun County. An annual report verifying this percentage the portion of sales derived from products produced on site shall be submitted ~~on request~~ to the Zoning Administrator upon request.
- (B) Farm Markets shall be located on a hard surfaced Class I or Class II road having a minimum paved width of eighteen (18) feet. The entrance ~~to the farm market~~ shall have safe sight distance and may be required to have right and left turn lanes as determined by the Virginia Department of Transportation.
- (C) Sales area for accessory products shall be limited to ten (10) percent of the total area devoted to sales. The calculation of total sales area shall include areas devoted to the display of items for sale.
- (D) Permitted accessory products include pottery, baskets, garden accessories, baked goods, floral supplies and other items directly related to the culture, care, use of, or processing of a principal use. Products not related to the principal permitted use such as lawn mowers and tractors shall not be allowed.
- (E) Retail sales areas within structures shall not exceed, in the aggregate, 10,000 square feet of floor area or a Floor Area Ratio of .02, whichever is greater.

(F) Farm Markets (off-site production), in addition to Standards (B) through (E) above, must meet the following additional standards:

- (1) A minimum of twenty five percent (25%) of the products offered for sale at the Farm Market (off-site production) must be produced in Loudoun County. An annual report verifying this percentage shall be submitted to the Zoning Administrator on request.
- (2) Parking spaces for Farm Markets (off-site production) shall be provided at a rate of 4/1,000 square feet of floor area of indoor and outdoor sales area, with a required minimum of 10 spaces per establishment.
- (3) Landscaping/Buffering/Screening.
 - (a) Buffer. The use shall comply with the landscaping and screening standards of Section 5-653(A)
 - (b) Parking Areas. Parking areas shall be screened to comply with the requirements of Section 5-653(B).
 - (c) Storage Areas. All storage areas shall be screened and landscaped consistent with the standards of Section 5-653(C).

Division C: Required Development Approvals

Section 6-700 Site Plan Review.

6-701 Site Plan Required. Site plan approval is required prior to the development of any land when the development or land falls within the following categories:

- (A) All uses in the commercial districts.
- (B) All uses in the industrial districts.
- (C) All nonresidential uses in the AR-1 and AR-2 Districts, but excluding permitted uses within the “agriculture support and services related to agriculture, horticulture, and animal husbandry” use category that do not involve access by the public as a part of such use. ~~Agricultural, horticulture, and animal husbandry permitted uses or those uses requiring a Rural Sketch Plan as identified in Section 6-701 do not require a site plan.~~ *(editor's note: this sentence moved to subsection (M).)*
- (D) All permitted uses in the residential districts, except for agricultural structures and single family attached and detached dwellings, or those uses requiring a Sketch Plan as identified in Section 6-703, and accessory uses and structures allowed under Section 5-101.

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- (E) Those special exception uses and structures which require a site plan.
- (F) Any development in which any required off-street parking space is to be used by more than one establishment.
- (G) When an alteration or amendment is proposed to the site improvements or design of a previously approved site plan.
- (H) When an existing residential use is proposed for a change to a commercial, industrial, or multi-family residential use.
- (I) All public buildings and institutions.
- (J) All other uses involving a building required to be reviewed by the Planning Commission under Section 15.2-2232 of the Code of Virginia, as amended.
- (K) Above-ground structures associated with a public utility, utility substation, water or sewer pumping station, water or sewer treatment facility or commercial communication tower.
- (L) Temporary or permanent parking uses and parking structures.
- (M) Agricultural, horticulture, and animal husbandry permitted uses or those uses requiring a Rural Sketch Plan as identified in Section 6-703 do not require a site plan.

6-702 Site Plan Requirements. The requirements for submissions, review and approval of all types of site plans shall be pursuant to the Land Subdivision and Development Ordinance and the Facilities Standards Manual. In addition to the submission requirements of the Facilities Standards Manual, the following materials shall be submitted as part of the initial submission for any type of site plan application, as applicable:

- (A) The approved concept development plan, rezoning plat, or special exception plat;
- (B) The Copy Teste of the Board of Supervisors action on such plan or plat;
- (C) A copy of the approved proffers and/or special exception conditions;
- (D) A copy of any zoning determinations or modifications, FSM waiver letters, state and federal wetlands permits, and LSDO determination letters pertaining to the subject property.

6-703 ~~Rural~~ Sketch Plan

- (A) A ~~Rural~~ Sketch Plan is required as part of a zoning permit application ~~in the A-3, A-10, AR-1, and AR-2 zoning districts~~ for the following permitted uses: Animal Care

A3

Business, Child Care Home, Farm Market (but not including the use Farm Market (off-site production), which shall require a site plan), Stable (Private or Neighborhood), and Wayside Stand.

- (B) ~~Rural~~ A Sketch Plan shall include a drawing of all aspects of the business operations including the location, size and dimensions of buildings, the size and dimensions of areas within existing structures to be used for the business; size, dimensions, and location of any accessory structures, outdoor storage yards, and location of any accessory structures, outdoor storage yards, and screening buffering; quantity and dimensions of parking spaces; location of proposed signs, if any; location of wells and septic systems; and the approximate location of any on-site floodplain as determined from the County map. In addition, the ~~Rural~~ Sketch Plan shall include the location and width of entrances and adjacent right-of-way, adjoining properties, and easements.
- (C) The ~~Rural~~ Sketch Plan need not be drawn to scale, nor does it have to be prepared by a licensed professional. However, distances from structures to adjacent lot lines must be accurately depicted.

ARTICLE 8, DEFINITIONS:

Farm Market: A principal use which includes the sale of aquacultural, horticultural or agricultural products, including nursery stock, perennial, annuals, bulbs, mulch, compost, dried flowers, Christmas trees and greens, fresh produce, honey, cider, and similar agricultural products. A minimum of twenty five percent (25%) of the products offered for sale must be aquacultural, horticultural, animal husbandry or agricultural products produced on-site or on other property within Loudoun County owned or leased by the operator of the Farm Market within Loudoun County. A Farm Market shall be located on the site of ongoing agricultural, horticultural or aquacultural activity unless otherwise otherwise provided elsewhere in the Zoning Ordinance.

Farm Market (off-site production): A principal use which includes the retail sale of aquacultural, horticultural or agricultural products, including nursery stock, perennial, annuals, bulbs, mulch, compost, dried flowers, Christmas trees and greens, fresh produce, honey, cider, and similar agricultural products. A minimum of twenty five percent (25%) of the products offered for sale must be aquacultural, horticultural, animal husbandry or agricultural products produced within Loudoun County. A Farm Market (off-site production) may or may not be located on the site of ongoing agricultural, horticultural or aquacultural activity. This use may include the sale of products from one or more vendors.

5-626 Agriculture, Horticulture and Animal Husbandry.

(A) Parcel Size.

- (i) Agriculture, and Horticulture, ~~and Animal Husbandry~~ uses shall ~~be located on parcels 5 acres in size or larger~~ have no minimum lot size.
- (ii) On parcels of less than 3 acres, animal husbandry uses shall not be permitted unless such parcel has obtained an approved Conservation Farm Plan with a Best Management section as described in Section 5-626(B) below.

(B) Conservation Farm Plan. Prior to the establishment of an animal husbandry use on a property of less than three acres, the owner of the parcel shall be required to execute a Conservation Farm Plan (also known as a farm management plan) including a ~~manure~~-waste management plan, through and with the Loudoun Soil and Water Conservation District (SWCD) and the Virginia Cooperative Extension Service (VCES) and provide a copy of such executed Plan to the Zoning Administrator. The Plan shall indicate the types and quantity of proposed animals, location and size of existing and proposed structures, grazing areas, and location and type of wells and septic fields and reserve septic fields. A Best Management section shall be included identifying the best management practices necessary to support the proposed types and quantity of animals. Review of the Plan shall take into consideration the type and construction of any wells, septic fields and reserve septic fields and environmental features such as steep slopes, rock outcroppings and streams. The Best Management Section shall be reviewed by the Virginia Cooperative Extension Service to confirm that it is consistent with generally accepted Animal Husbandry standards and documentation indicating such confirmation shall be provided to the Zoning Administrator. After approval, no additional animals may be added to the site without an approved amendment to the Plan.

(B)(C) Setbacks for Certain Structures. No structure for housing livestock including barns, run-in sheds, stables, and the like shall be located closer than 60 feet from the property line of an adjoining lot where a residential dwelling existing or under construction at the time of construction of the structure is the principal use. This setback shall not apply if such residential dwelling is located more than 60 feet from the property line adjoining the structure.

Article 8, Definitions:

Animal Husbandry. The active and on-going propagation, rearing, exercising, feeding, milking, housing, controlling, handling, or general care of living animals, including the raising and production of bison, cattle (beef and dairy), pigs, mules, ducks, emus, horses, goats, llama, alpaca, poultry, pigeons, sheep, and similar animal husbandry uses, but not including miniature horses or pot-belly pigs. The conduct of the foregoing activities with respect to animals meeting the definition of "Pet" or non-domesticated (wild) animals shall not be considered Animal husbandry.

Livestock. Animals, especially farm animals, raised for use, profit or enjoyment including horses, bison, cattle, pigs, mules, sheep, goats, alpacas, llamas, emus, and other similar domesticated animals, but not including miniature horses and pot-belly pigs.

Pet. An animal kept for pleasure rather than utility, not included within the animals listed in the definition of Animal Husbandry, such as dogs; cats; birds; non-poisonous spiders; chameleons and similar lizards; non-poisonous snakes; pot-belly pigs; hamsters; ferrets; gerbils; guinea pigs; pet mice and pet rats; turtles; fish; domesticated rabbits; miniature horses; and other similar domesticated animals. The keeping of such animals is permitted as an accessory use to a dwelling unit.

5-627 Agriculture Support Uses (Direct Association with Agriculture, Horticulture or Animal Husbandry).

No Changes

5-630 Agriculture Support Use (No Direct Association with Agriculture, Horticulture, Animal Husbandry).

No Changes

AL6

PROPOSED AMENDMENTS
ZOAM 2007-0004

Revised through February 22, 2010
By Transportation and Land Use Committee

Amend the following sections of the Revised 1993 Loudoun County Zoning Ordinance to add the Use Type "Farm market (off-site production)" within the Use Category of Retail Sales and Service as a special exception use:

~~2-101 AR-1 (Agricultural Rural-1),~~
~~2-202 AR-2 (Agricultural Rural-2),~~
2-1003 JLMA-1 (Joint Land Management Area - 1),
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2-1203 JLMA-3 (Joint Land Management Area -3),
~~2-1303 JLMA-20 (Joint Land Management Area-20),~~
~~2-1402 TR-10 (Transitional Residential-10),~~
~~2-1502 TR-3 (Transitional Residential-3),~~
~~2-1602 TR-2 (Transitional Residential-2),~~
~~2-1702 TR-1 (Transitional Residential-2)~~

5-603 Farm Markets may be located in accord with the lists of permitted and special exception uses for the individual zoning districts, subject to the following additional provisions:

- (A) Except as provided in subsection F below, a A minimum of 25% of the ~~gross sales receipts~~ products offered for sale must be derived directly from agricultural, horticultural, aquacultural, or animal husbandry products produced on site or on other property in Loudoun County owned or leased by the operator of the Farm Market in Loudoun County. An annual report verifying this percentage the portion of sales derived from products produced on site shall be submitted ~~on request~~ to the Zoning Administrator upon request.
- (B) Farm Markets shall be located on a hard surfaced Class I or Class II road having a minimum paved width of eighteen (18) feet. The entrance ~~to the farm market~~ shall have safe sight distance and may be required to have right and left turn lanes as determined by the Virginia Department of Transportation.
- (C) Sales area for accessory products shall be limited to ten (10) percent of the total area devoted to sales. The calculation of total sales area shall include areas devoted to the display of items for sale.
- (D) Permitted accessory products include pottery, baskets, garden accessories, baked goods, floral supplies and other items directly related to the culture, care, use of, or processing of a principal use. Products not related to the principal permitted use such as lawn mowers and tractors shall not be allowed.
- (E) Retail sales areas within structures shall not exceed, in the aggregate, 10,000 square feet of floor area or a Floor Area Ratio of .02, whichever is greater.

(F) Farm Markets (off-site production), in addition to Standards (B) through (E) above, must meet the following additional standards:

- (1) A minimum of twenty five percent (25%) of the products offered for sale at the Farm Market (off-site production) must be produced in Loudoun County. An annual report verifying this percentage shall be submitted to the Zoning Administrator on request.
- (2) Parking spaces for Farm Markets (off-site production) shall be provided at a rate of 4/1,000 square feet of floor area of indoor and outdoor sales area, with a required minimum of 10 spaces per establishment.
- (3) Landscaping/Buffering/Screening.
 - (a) Buffer. The use shall comply with the landscaping and screening standards of Section 5-653(A)
 - (b) Parking Areas. Parking areas shall be screened to comply with the requirements of Section 5-653(B).
 - (c) Storage Areas. All storage areas shall be screened and landscaped consistent with the standards of Section 5-653(C).

Division C: Required Development Approvals

Section 6-700 Site Plan Review.

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- (A) All uses in the commercial districts.
- (B) All uses in the industrial districts.
- (C) All nonresidential uses in the AR-1 and AR-2 Districts, but excluding permitted uses within the “agriculture support and services related to agriculture, horticulture, and animal husbandry” use category that do not involve access by the public as a part of such use. ~~Agricultural, horticulture, and animal husbandry permitted uses or those uses requiring a Rural Sketch Plan as identified in Section 6-701 do not require a site plan.~~ *(editor’s note: this sentence moved to subsection (M).)*
- (D) All permitted uses in the residential districts, except for agricultural structures and single family attached and detached dwellings, or those uses requiring a Sketch Plan as identified in Section 6-703, and accessory uses and structures allowed under Section 5-101.

- (E) Those special exception uses and structures which require a site plan.
- (F) Any development in which any required off-street parking space is to be used by more than one establishment.
- (G) When an alteration or amendment is proposed to the site improvements or design of a previously approved site plan.
- (H) When an existing residential use is proposed for a change to a commercial, industrial, or multi-family residential use.
- (I) All public buildings and institutions.
- (J) All other uses involving a building required to be reviewed by the Planning Commission under Section 15.2-2232 of the Code of Virginia, as amended.
- (K) Above-ground structures associated with a public utility, utility substation, water or sewer pumping station, water or sewer treatment facility or commercial communication tower.
- (L) Temporary or permanent parking uses and parking structures.

(M) Agricultural, horticulture, and animal husbandry permitted uses or those uses requiring a Rural Sketch Plan as identified in Section 6-703 do not require a site plan.

6-702 Site Plan Requirements. The requirements for submissions, review and approval of all types of site plans shall be pursuant to the Land Subdivision and Development Ordinance and the Facilities Standards Manual. In addition to the submission requirements of the Facilities Standards Manual, the following materials shall be submitted as part of the initial submission for any type of site plan application, as applicable:

- (A) The approved concept development plan, rezoning plat, or special exception plat;
- (B) The Copy Teste of the Board of Supervisors action on such plan or plat;
- (C) A copy of the approved proffers and/or special exception conditions;
- (D) A copy of any zoning determinations or modifications, FSM waiver letters, state and federal wetlands permits, and LSDO determination letters pertaining to the subject property.

6-703 ~~Rural~~ Sketch Plan

- (A) A ~~Rural~~ Sketch Plan is required as part of a zoning permit application ~~in the A-3, A-10, AR-1, and AR-2 zoning districts~~ for the following permitted uses: Animal Care

Business, Child Care Home, Farm Market (but not including the use Farm Market (off-site production), which shall require a site plan), Stable (Private or Neighborhood), and Wayside Stand.

- (B) ~~Rural~~ A Sketch ~~Plan~~ shall include a drawing of all aspects of the business operations including the location, size and dimensions of buildings, the size and dimensions of areas within existing structures to be used for the business; size, dimensions, and location of any accessory structures, outdoor storage yards, and location of any accessory structures, outdoor storage yards, and screening buffering; quantity and dimensions of parking spaces; location of proposed signs, if any; location of wells and septic systems; and the approximate location of any on-site floodplain as determined from the County map. In addition, the ~~Rural~~ Sketch Plan shall include the location and width of entrances and adjacent right-of-way, adjoining properties, and easements.
- (C) The ~~Rural~~ Sketch Plan need not be drawn to scale, nor does it have to be prepared by a licensed professional. However, distances from structures to adjacent lot lines must be accurately depicted.

ARTICLE 8, DEFINITIONS:

Farm Market: A principal use which includes the sale of aquacultural, horticultural or agricultural products, including nursery stock, perennial, annuals, bulbs, mulch, compost, dried flowers, Christmas trees and greens, fresh produce, honey, cider, and similar agricultural products. A minimum of twenty five percent (25%) of the products offered for sale must be aquacultural, horticultural, animal husbandry or agricultural products produced on-site or on other property within Loudoun County owned or leased by the operator of the Farm Market within Loudoun County. A Farm Market shall be located on the site of ongoing agricultural, horticultural or aquacultural activity unless otherwise ~~otherwise~~ provided elsewhere in the Zoning Ordinance.

Farm Market (off-site production): A principal use which includes the retail sale of aquacultural, horticultural or agricultural products, including nursery stock, perennial, annuals, bulbs, mulch, compost, dried flowers, Christmas trees and greens, fresh produce, honey, cider, and similar agricultural products. A minimum of twenty five percent (25%) of the products offered for sale must be aquacultural, horticultural, animal husbandry or agricultural products produced within Loudoun County. A Farm Market (off-site production) may or may not be located on the site of ongoing agricultural, horticultural or aquacultural activity. This use may include the sale of products from one or more vendors.

5-626 Agriculture, Horticulture and Animal Husbandry.

(A) Parcel Size.

- (i) Agriculture, ~~and~~ Horticulture, ~~and Animal Husbandry~~ uses shall ~~be located on parcels 5 acres in size or larger~~ have no minimum lot size.
- (ii) Animal husbandry uses are permitted on parcels 5 acres in size or larger.
- (iii) Animal husbandry uses shall not be permitted on parcels of less than five (5) acres in size unless: (1) such parcel is at least two acres in size and (2) On parcels of less than 3 acres, animal husbandry uses shall not be permitted unless such parcel has obtained an approved Conservation Farm Plan with a Best Management section as described in Section 5-626(B) below.

(B) Conservation Farm Plan. Prior to the establishment of an animal husbandry use on a property of less than ~~three~~ five (5) acres (and more than two (2) acres), the owner of the parcel shall be required to execute a Conservation Farm Plan (also known as a farm management plan) including a ~~manure~~ waste management plan, through and with the Loudoun Soil and Water Conservation District (SWCD) and the Virginia Cooperative Extension Service (VCES) and provide a copy of such executed Plan to the Zoning Administrator. The Plan shall indicate the types and quantity of proposed animals, location and size of existing and proposed structures, grazing areas, and location and type of wells and septic fields and reserve septic fields. A Best Management section shall be included identifying the best management practices necessary to support the proposed types and quantity of animals. Review of the Plan shall take into consideration the type and construction of any wells, septic fields and reserve septic fields and environmental features such as steep slopes, rock outcroppings and streams. The Best Management Section shall be reviewed by the Virginia Cooperative Extension Service to confirm that it is consistent with generally accepted Animal Husbandry standards and documentation indicating such confirmation shall be provided to the Zoning Administrator. After approval, no additional animals may be added to the site without an approved amendment to the Plan.

(B)(C) Setbacks for Certain Structures. No structure for housing livestock including barns, run-in sheds, stables, and the like shall be located closer than 60 feet from the property line of an adjoining lot where a residential dwelling existing or under construction at the time of construction of the structure is the principal use. This setback shall not apply if such residential dwelling is located more than 60 feet from the property line adjoining the structure.

Article 8, Definitions:

Animal Husbandry. The active and on-going propagation, rearing, exercising, feeding, milking, housing, controlling, handling, or general care of living animals, including the raising and production of bison, cattle (beef and dairy), pigs, mules, ducks, emus, horses, goats, llama, alpaca, poultry, pigeons, sheep, and similar animal husbandry uses, but not including miniature horses or pot-belly pigs. The conduct of the foregoing activities with respect to animals meeting the definition of "Pet" or non-domesticated (wild) animals shall not be considered Animal husbandry.

Livestock. Animals, especially farm animals, raised for use, profit or enjoyment including horses, bison, cattle, pigs, mules, sheep, goats, alpacas, llamas, emus, and other similar domesticated animals, but not including miniature horses and pot-belly pigs.

Pet. An animal kept for pleasure rather than utility, not included within the animals listed in the definition of Animal Husbandry, such as dogs; cats; birds; non-poisonous spiders; chameleons and similar lizards; non-poisonous snakes; pot-belly pigs; hamsters; ferrets; gerbils; guinea pigs; pet mice and pet rats; turtles; fish; domesticated rabbits; miniature horses; and other similar domesticated animals. The keeping of such animals is permitted as an accessory use to a dwelling unit.

5-627 Agriculture Support Uses (Direct Association with Agriculture, Horticulture or Animal Husbandry).

No Changes

5-630 Agriculture Support Use (No Direct Association with Agriculture, Horticulture, Animal Husbandry).

No Changes

Date of Meeting: February 22, 2010

#3

**BOARD OF SUPERVISORS
TRANSPORTATION & LAND USE COMMITTEE
ACTION ITEM**

SUBJECT: ZOAM 2007-0004, Farm Markets in Various Zoning Districts and Minimum Acreage Requirements for Agriculture, Horticulture and Animal Husbandry Uses

ELECTION DISTRICTS: County-wide

CRITICAL ACTION DATE: At the Pleasure of the Board

STAFF CONTACTS : Michelle Lohr, Zoning Administration

RECOMMENDATIONS:

Planning Commission: At the December 1, 2009 work session, the Planning Commission voted 9-0 to forward ZOAM 2007-0004 to the Board of Supervisors with a recommendation of approval, subject to the changes shown in the proposed text dated November 24, 2009 and December 1, 2009.

Staff: Staff recommends that the Board of Supervisors approve ZOAM 2007-0004, as amended by the Planning Commission, with certain grammatical, spelling and punctuation revisions as noted. (Attachment 1)

BACKGROUND

On February 17, 2009, the Board of Supervisors adopted a Resolution of Intent to Amend the Revised 1993 Loudoun County Zoning Ordinance (Zoning Ordinance) to add Farm markets without agricultural production on-site, as a special exception use within the AR-1, AR-2, JLMA-1, JLMA-2, JLMA-3, JLMA-20, TR-10, TR-3, TR-2, TR-1 zoning districts and to reduce the minimum acreage requirements for agriculture, horticulture, and animal husbandry uses. The amendments propose to: (1) amend Tables 2-102, 2-202, 2-1003, 2-1103, 2-1203, 2-1303, 2-1402, 2-1502, 2-1602 and 2-1702 to add a new use type, Farm markets (off-site production), as a special exception use within the Use Category of "Retail Sales and Service" for the AR-1, AR-2, JLMA-1, JLMA-2, JLMA-3, JLMA-20, TR-10, TR-3, TR-2, TR-1 districts, (2) amend Article 8, *Definitions*, including, without limitation, amending the existing definition of "Animal Husbandry" and establishing new definitions for "Farm Market (off-site production)" and "Livestock" and "Pet"; (3) amend Additional Regulations Section 5-603, *Farm markets*, to ensure consistency in regulations and terminology and establish new maximum building size, parking, landscaping and buffering standards; (4) amend Additional Regulations Section 5-626, *Agriculture, Horticulture and Animal Husbandry*, to reduce and/or eliminate minimum acreage requirements under certain circumstances; (5) amend Section 6-700, *Site Plan Review*, to clarify when site plans or rural sketch plans are required, and (6) amend such other sections of the Zoning Ordinance as necessary to implement and maintain consistency with the foregoing amendments.

The Planning Commission conducted a public hearing on October 15, 2009. Four people spoke in favor of the amendment and one spoke in opposition. The Commission held work sessions on November 12, 2009 and December 1, 2009 to discuss the proposed amendments.

At the December 1, 2009 work session, the Planning Commission voted 9-0 to send ZOAM 2007-0004 to the Board of Supervisors with a recommendation of approval, subject to the changes to the proposed text made at the December 1st meeting. The revised language is included in Attachment 1. (Staff has noted some grammatical, spelling and punctuation corrections which are indicated by double underline.)

On January 11, 2010, the Board of Supervisors held a public hearing at which one person spoke against the amendments associated with the reduction of the minimum acreage requirement for agriculture, horticulture and animal husbandry. During discussion at the conclusion of the public hearing, Board members expressed concern regarding (1) the landscaping requirements proposed for the proposed Farm market (off-site production) use, (2) the lack of guidance in the amendments to address the maximum number of animals that would be permitted based on acreage, (3) the specific districts that are proposed to include the Farm Market (off-site production) use, (4) the use of percentage of products offered for sale as a means of measurement rather than the current measurement of gross sales receipts and (5) whether the Board could consider reducing the required percentage of products required to be from Loudoun County from 25% to a lesser percentage such as 15%. A question was also raised regarding the history of the proposed amendments to the Farm Market use.

At the conclusion of the Board's public hearing, the Board voted 9-0 to forward ZOAM 2007-0004 to the Transportation and Land Use Committee for further discussion on the proposed amendments and specifically the issues addressed below.

ISSUES:

1. ***Landscaping, buffering and screening requirements proposed for Farm market (off-site production).*** The draft proposes amending Section 5-603, the Additional Regulations for Farm Markets to reference the buffering and landscaping requirements of Section 5-653 for the Farm Market (off-site production) use. [Attachment 2] Section 5-653 requires a 50 foot Type 3 buffer against parcels 4 acres or less in size with a residence within 300 feet of the adjacent property line. As the use is proposed to be permitted by special exception, the Board of Supervisors could impose conditions to increase the landscaping and buffering requirements on a case by case basis.
2. ***Inclusion of guidance regarding the number of animals that can be supported on a parcel.*** At the public hearing, discussion occurred regarding the lack of guidance within the proposed ordinance as to the number of animals that a property owner could expect to be permitted on a given parcel. The Planning Commission during its review of the amendments, considered inclusion of a chart specifying the maximum number of animals that would be permitted per animal unit. This option of the proposed text discussed at the November 12, 2009 worksession included: [Attachment 3]
 - a. Allowing one animal unit on a parcel of less than 5 acres with at least 2 usable acres (land not encumbered by floodplain, steep slopes and other environmental constraints) in the quantities indicated in the chart.

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- b. Allowing more than one animal unit on a parcel of less than 5 acres with at least 2 usable acres with an approved Conservation Farm Plan.
- c. Allowing animals on less than 5 acres with less than 2 usable acres with a Conservation Farm Plan.

After discussing the issue, the Planning Commission decided against including such a table in the ordinance. Instead, the draft text allows animal husbandry with a minimum of 3 acres. Parcels of less than 3 acres can establish an animal husbandry use with an approved Conservation Farm Plan with best management practices supporting the maximum number of animals proposed for the subject property. Although no minimum usable acreage amount is specified, review of the Conservation Farm Plan shall take into consideration the type and construction of any wells, septic fields and reserve septic fields and environmental features such as steep slopes, rock outcroppings and streams.

- 3. ***Inclusion of AR-1 and AR-2 zoning districts in amendments to add Farm Market (off-site production).*** Concern was raised at the Board public hearing that the Farm Market (off-site production) use should be concentrated in areas around the villages and towns and not in the AR-1 and AR-2 districts because of the potential need for site improvements such as parking, commercial entrances, and turn lanes. The Planning Commission discussed the possible elimination of the JLMA 1, 2, and 3 districts from the districts that would permit the Farm Market (off-site production) use because of the relatively small parcel size of these districts and their residential nature, but did not actually vote to remove those districts from the list of districts proposed for the amendments.
- 4. ***Requirement for 25% of the products to be from Loudoun County.*** Discussion occurred at the Board public hearing as to whether the requirement for 25% of the products to be produced within Loudoun County is an appropriate percentage. With the December 3, 2007 amendments to the Zoning Ordinance, the 25% requirement for Farm Market products was amended from 25% of the products produced on site to 25% of the products produced within the County. The currently proposed amendments maintain this 25% requirement for the new Farm Market (off-site production) use.
- 5. ***Measurement method to determine that 25% of the products are from Loudoun County.*** Discussion occurred at the public hearing regarding the method of measurement used to determine the percentage of goods produced on site, or from other property owned by the operator (in the case of the Farm Market use) or the percentage of products from Loudoun County (in the case of the Farm Market (off-site production)). The existing definition of Farm Market states that 25% of the products sold must be produced within the County. The Additional Regulations of Section 5-603 currently states that 25% of the gross sales receipts must be derived directly from products produced on site. The intent of the amendment is to make the definition and the additional regulation consistent. The draft amendment states that 25% of the products offered for sale must be from Loudoun County (and in the case of the Farm Market use 25% of the products offered for sale must be produced on site). The use of the measurement of products offered for sale would take into account product spoilage.
- 6. ***Background regarding the proposed amendments to the Farm Market use.*** A question was raised at the Board public hearing as to the history of the proposed amendments. The

proposal to amend the zoning ordinance to permit Farm Markets without on site production by special exception was initiated when a business that had been selling produce, among other products, on a Rural Commercial (RC) zoned parcel within the County on the east side of the Town of Hamilton applied for a zoning permit to relocate the business to Joint Land Management Area-2 (JLMA 2) zoned parcel within the County on the west side of the Town of Hamilton. A Farm market with off-site production is not permitted in the JLMA-2 zoning district. The Board of Supervisors adopted an Intent to Amend the Zoning Ordinance to consider adding the Farm Market (off-site production) use in the JLMA 2 zoning district, among other districts. During review of the proposed amendments, the Planning Commission determined that the zoning districts proposed to add the Farm market with off-site production should be re-examined and alternate districts were proposed, prompting the need for a new Resolution of Intent to Amend the Zoning Ordinance to address the additional zoning districts proposed. Subsequent to the adoption of the Resolution of Intent to Amend the Zoning Ordinance, a restaurant has been constructed on the property. Although there may no longer be a need to amend the zoning ordinance to permit the Farm Market without off-site production for the case that started the process, it is important to note that some of the proposed amendments clarify discrepancies between the definition of Farm Market and the Additional Regulations for Farm markets.

FISCAL IMPACT: There are no fiscal impacts associated with this zoning ordinance amendment.

ALTERNATIVES:

1. The Transportation Land Use Committee can forward ZOAM 2007-0004 to the Board of Supervisors with a recommendation for approval.
2. The Transportation and Land Use Committee can take no action regarding ZOAM 2007-0004.

SUGGESTED MOTIONS:

- 1) I move that the Transportation and Land Use Committee forward ZOAM 2007-0004 to the Board of Supervisors with a recommendation to adopt the proposed amendments as set forth in Attachment 1;

or

- 2) I move an alternate motion.

ATTACHMENTS

No.	Description	Page
1.	Recommended Text, Revised through December 1, 2010 by Planning Commission with grammatical, spelling & punctuation revisions by Staff	A1-A6
2.	Section 5-653, Landscaping Standards for Specific Uses	A7
3.	Portion of Draft Text dated November 5, 2009 for November 12, 2009 Planning Commission Worksession	A8-A15

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PROPOSED AMENDMENTS
ZOAM 2007-0004
January 11, 2010 Board of Supervisors Public Hearing

Revised through December 1, 2009
(with grammatical, spelling and punctuation corrections by Staff)

Amend the following sections of the Revised 1993 Loudoun County Zoning Ordinance to add the Use Type "Farm market (off-site production)" within the Use Category of Retail Sales and Service as a special exception use:

- 2-101 AR-1 (Agricultural Rural - 1),
- 2-202 AR-2 (Agricultural Rural - 2),
- 2-1003 JLMA-1 (Joint Land Management Area - 1),
- 2-1103 JLMA-2 (Joint Land Management Area - 2),
- 2-1203 JLMA-3 (Joint Land Management Area - 3),
- 2-1303 JLMA-20 (Joint Land Management Area - 20),
- 2-1402 TR-10 (Transitional Residential - 10),
- 2-1502 TR-3 (Transitional Residential - 3),
- 2-1602 TR-2 (Transitional Residential - 2),
- 2- 1702 TR-1 (Transitional Residential - 2)

5-603 Farm Markets may be located in accord with the lists of permitted and special exception uses for the individual zoning districts, subject to the following additional provisions:

- (A) Except as provided in subsection F below, a minimum of 25% of the gross sales receipts products offered for sale must be derived directly from agricultural, horticultural, aquacultural, or animal husbandry products produced on site or on other property in Loudoun County owned or leased by the operator of the Farm Market in Loudoun County. An annual report verifying this percentage the portion of sales derived from products produced on-site shall be submitted on request to the Zoning Administrator upon request.
- (B) Farm Markets shall be located on a hard surfaced Class I or Class II road having a minimum paved width of eighteen (18) feet. The entrance to the farm market shall have safe sight distance and may be required to have right and left turn lanes as determined by the Virginia Department of Transportation.
- (C) Sales area for accessory products shall be limited to ten (10) percent of the total area devoted to sales. The calculation of total sales area shall include areas devoted to the display of items for sale.
- (D) Permitted accessory products include pottery, baskets, garden accessories, baked goods, floral supplies and other items directly related to the culture, care, use of, or processing of a principal use. Products not related to the principal permitted use such as lawn mowers and tractors shall not be allowed.
- (E) Retail sales areas within structures shall not exceed, in the aggregate, 10,000 square feet of floor area or a Floor Area Ratio of .02, whichever is greater.

(F) Farm Markets (off-site production), in addition to Standards (B) through (E) above, must meet the following additional standards:

- (1) A minimum of twenty five percent (25%) of the products offered for sale at the Farm Market (off-site production) must be produced in Loudoun County. An annual report verifying this percentage shall be submitted to the Zoning Administrator on request.
- (2) Parking spaces for Farm Markets (off-site production) shall be provided at a rate of 4/1,000 square feet of floor area of indoor and outdoor sales area, with a required minimum of 10 spaces per establishment.
- (3) Landscaping/Buffering/Screening.
 - (a) Buffer. The use shall comply with the landscaping and screening standards of Section 5-653(A)
 - (b) Parking Areas. Parking areas shall be screened to comply with the requirements of Section 5-653(B).
 - (c) Storage Areas. All storage areas shall be screened and landscaped consistent with the standards of Section 5-653(C).

Division C: Required Development Approvals

Section 6-700 Site Plan Review.

6-701 Site Plan Required. Site plan approval is required prior to the development of any land when the development or land falls within the following categories:

- (A) All uses in the commercial districts.
- (B) All uses in the industrial districts.
- (C) All nonresidential uses in the AR-1 and AR-2 Districts, but excluding permitted uses within the "agriculture support and services related to agriculture, horticulture, and animal husbandry" use category that do not involve access by the public as a part of such use. ~~Agricultural, horticulture, and animal husbandry permitted uses or those uses requiring a Rural Sketch Plan as identified in Section 6-701 do not require a site plan.~~ *(editor's note: this sentence moved to subsection (M).)*
- (D) All permitted uses in the residential districts, except for agricultural structures and single family attached and detached dwellings, or those uses requiring a Sketch Plan as identified in Section 6-703, and accessory uses and structures allowed under Section 5-101.

A18 #12

- (E) Those special exception uses and structures which require a site plan.
- (F) Any development in which any required off-street parking space is to be used by more than one establishment.
- (G) When an alteration or amendment is proposed to the site improvements or design of a previously approved site plan.
- (H) When an existing residential use is proposed for a change to a commercial, industrial, or multi-family residential use.
- (I) All public buildings and institutions.
- (J) All other uses involving a building required to be reviewed by the Planning Commission under Section 15.2-2232 of the Code of Virginia, as amended.
- (K) Above-ground structures associated with a public utility, utility substation, water or sewer pumping station, water or sewer treatment facility or commercial communication tower.
- (L) Temporary or permanent parking uses and parking structures.
- (M) Agricultural, horticulture, and animal husbandry permitted uses or those uses requiring a Rural Sketch Plan as identified in Section 6-703 do not require a site plan.

6-702 Site Plan Requirements. The requirements for submissions, review and approval of all types of site plans shall be pursuant to the Land Subdivision and Development Ordinance and the Facilities Standards Manual. In addition to the submission requirements of the Facilities Standards Manual, the following materials shall be submitted as part of the initial submission for any type of site plan application, as applicable: -

- (A) The approved concept development plan, rezoning plat, or special exception plat;
- (B) The Copy Test of the Board of Supervisors action on such plan or plat;
- (C) A copy of the approved proffers and/or special exception conditions;
- (D) A copy of any zoning determinations or modifications, FSM waiver letters, state and federal wetlands permits, and LSDO determination letters pertaining to the subject property.

6-703 Rural Sketch Plan

- (A) A Rural Sketch Plan is required as part of a zoning permit application ~~in the A-3, A-10, AR-1, and AR-2 zoning districts~~ for the following permitted uses: Animal Care

A19 A3

Business, Child Care Home, Farm Market (but not including the use Farm Market (off-site production), which shall require a site plan), Stable (Private or Neighborhood), and Wayside Stand.

- (B) ~~Rural~~ A Sketch Plan shall include a drawing of all aspects of the business operations including the location, size and dimensions of buildings, the size and dimensions of areas within existing structures to be used for the business; size, dimensions, and location of any accessory structures, outdoor storage yards, and location of any accessory structures, outdoor storage yards, and screening buffering; quantity and dimensions of parking spaces; location of proposed signs, if any; location of wells and septic systems; and the approximate location of any on-site floodplain as determined from the County map. In addition, the ~~Rural~~ Sketch Plan shall include the location and width of entrances and adjacent right-of-way, adjoining properties, and easements.
- (C) The ~~Rural~~ Sketch Plan need not be drawn to scale, nor does it have to be prepared by a licensed professional. However, distances from structures to adjacent lot lines must be accurately depicted.

ARTICLE 8, DEFINITIONS:

Farm Market: A principal use which includes the sale of aquacultural, horticultural or agricultural products, including nursery stock, perennial, annuals, bulbs, mulch, compost, dried flowers, Christmas trees and greens, fresh produce, honey, cider, and similar agricultural products. A minimum of twenty five percent (25%) of the products offered for sale must be aquacultural, horticultural, animal husbandry or agricultural products produced on-site or on other property within Loudoun County owned or leased by the operator of the Farm Market within Loudoun County. A Farm Market shall be located on the site of ongoing agricultural, horticultural or aquacultural activity unless otherwise otherwise provided elsewhere in the Zoning Ordinance.

Farm Market (off-site production): A principal use which includes the retail sale of aquacultural, horticultural or agricultural products, including nursery stock, perennial, annuals, bulbs, mulch, compost, dried flowers, Christmas trees and greens, fresh produce, honey, cider, and similar agricultural products. A minimum of twenty five percent (25%) of the products offered for sale must be aquacultural, horticultural, animal husbandry or agricultural products produced within Loudoun County. A Farm Market (off-site production) may or may not be located on the site of ongoing agricultural, horticultural or aquacultural activity. This use may include the sale of products from one or more vendors.

A20 #4

5-626

Agriculture, Horticulture and Animal Husbandry.

(A) Parcel Size.

- (i) ~~Agriculture, and Horticulture, and Animal Husbandry uses shall be located on parcels 5 acres in size or larger have no minimum lot size.~~
- (ii) On parcels of less than 3 acres, animal husbandry uses shall not be permitted unless such parcel has obtained an approved Conservation Farm Plan with a Best Management section as described in Section 5-626(B) below.

(B) Conservation Farm Plan. Prior to the establishment of an animal husbandry use on a property of less than three acres, the owner of the parcel shall be required to execute a Conservation Farm Plan (also known as a farm management plan) including a ~~manure~~ waste management plan, through and with the Loudoun Soil and Water Conservation District (SWCD) and the Virginia Cooperative Extension Service (VCES) and provide a copy of such executed Plan to the Zoning Administrator. The Plan shall indicate the types and quantity of proposed animals, location and size of existing and proposed structures, grazing areas, and location and type of wells and septic fields and reserve septic fields. A Best Management section shall be included identifying the best management practices necessary to support the proposed types and quantity of animals. Review of the Plan shall take into consideration the type and construction of any wells, septic fields and reserve septic fields and environmental features such as steep slopes, rock outcroppings and streams. The Best Management Section shall be reviewed by the Virginia Cooperative Extension Service to confirm that it is consistent with generally accepted Animal Husbandry standards and documentation indicating such confirmation shall be provided to the Zoning Administrator. After approval, no additional animals may be added to the site without an approved amendment to the Plan.

(B)(C) Setbacks for Certain Structures. No structure for housing livestock including barns, run-in sheds, stables, and the like shall be located closer than 60 feet from the property line of an adjoining lot where a residential dwelling existing or under construction at the time of construction of the structure is the principal use. This setback shall not apply if such residential dwelling is located more than 60 feet from the property line adjoining the structure.

A21 #5

Article 8, Definitions:

Animal Husbandry. The active and on-going propagation, rearing, exercising, feeding, milking, housing, controlling, handling, or general care of living animals, including the raising and production of bison, cattle (beef and dairy), pigs, mules, ducks, emus, horses, goats, llama, alpaca, poultry, pigeons, sheep, and similar animal husbandry uses, but not including miniature horses or pot-belly pigs. The conduct of the foregoing activities with respect to animals meeting the definition of "Pet" or non-domesticated (wild) animals shall not be considered Animal husbandry.

Livestock. Animals, especially farm animals, raised for use, profit or enjoyment including horses, bison, cattle, pigs, mules, sheep, goats, alpacas, llamas, emus, and other similar domesticated animals, but not including miniature horses and pot-belly pigs.

Pet. An animal kept for pleasure rather than utility, not included within the animals listed in the definition of Animal Husbandry, such as dogs; cats; birds; non-poisonous spiders; chameleons and similar lizards; non-poisonous snakes; pot-belly pigs; hamsters; ferrets; gerbils; guinea pigs; pet mice and pet rats; turtles; fish; domesticated rabbits; miniature horses; and other similar domesticated animals. The keeping of such animals is permitted as an accessory use to a dwelling unit.

5-627 Agriculture Support Uses (Direct Association with Agriculture, Horticulture or Animal Husbandry).

No Changes

5-630 Agriculture Support Use (No Direct Association with Agriculture, Horticulture, Animal Husbandry).

No Changes

A22 Ato

Landscaping Standards for Specific Uses. The following landscaping, buffering, and screening standards shall apply to specific uses in this section when they are expressly referenced in the standards for the specific use.

- (A) **Setbacks or Yards Adjacent to Certain Sized Lots.** A minimum of the first 50 feet of setback or yard area adjacent to any existing lot four (4) acres or less in size that contains a house within 300 feet of the adjacent property line shall be landscaped and screened with solid fencing and/or landscaped area that provides year-round screening and is equivalent to a Type Three (3) Buffer Yard (Section 5-1400). The use of natural topography, vegetation, and trees that provide screening at the density, depth and height of the Type Three (3) Buffer Yard shall be credited towards this Type Three (3) Buffer Yard requirement in accordance with Section 5-1409(E).
- (1) In the A-3, A-10, AR-1, and AR-2 zoning districts, the Zoning Administrator may permit the required buffer to surround the proposed use, rather than to be located on the property line.
- (B) **Parking Areas.** Parking areas shall be provided with 1 canopy tree per each 10 parking or 2 loading spaces for off-street parking areas and service areas for loading and unloading. The Zoning Administrator may waive, reduce and/or modify these tree planting requirements if in his/her opinion the topography or existing vegetation adequately screens such parking areas from adjacent properties.
- (C) **Screening of Outdoor Storage and Storage Yards.** Outdoor storage and storage yards shall be screened to minimize visibility from adjacent public roads and adjacent single family detached uses by six (6) canopy trees per one hundred (100) lineal feet of perimeter of storage area.

PROPOSED AMENDMENTS

ZOAM 2007-0004

November 5, 2009

Amend the following sections of the Revised 1993 Loudoun County Zoning Ordinance to add the Use Type "Farm market (off-site production)" within the Use Category of Retail Sales and Service as a special exception use:

- 2-101 AR-1 (Agricultural Rural - 1),
 - 2-202 AR-2 (Agricultural Rural - 2),
 - 2-1003 JLMA-1 (Joint Land Management Area - 1),
 - 2-1103 JLMA-2 (Joint Land Management Area - 2),
 - 2-1203 JLMA-3 (Joint Land Management Area - 3),
 - 2-1303 JLMA-20 (Joint Land Management Area - 20),
 - 2-1402 TR-10 (Transitional Residential - 10),
 - 2-1502 TR-3 (Transitional Residential - 3),
 - 2-1602 TR-2 (Transitional Residential - 2),
 - 2-1702 TR-1 (Transitional Residential - 2)
- 5-603 Farm Markets** may be located in accord with the lists of permitted and special exception uses for the individual zoning districts, subject to the following additional provisions:
- (A) A minimum of 25% of the gross sales receipts ~~products offered for sale~~ must be derived directly from agricultural, horticultural, aquacultural, or animal husbandry products produced on site or other property owned or leased by the operator in Loudoun County. An annual report verifying this percentage ~~the portion of sales derived from products produced on-site~~ shall be submitted on request to the Zoning Administrator upon request.
 - (B) Farm markets shall be located on a hard surfaced Class I or Class II road having a minimum paved width of eighteen (18) feet. The entrance to the farm market shall have safe sight distance and may be required to have right and left turn lanes as determined by the Virginia Department of Transportation.
 - (C) Sales area for accessory products shall be limited to ten (10) percent of the total area devoted to sales. The calculation of total sales area shall include areas devoted to the display of items for sale.
 - (D) Permitted accessory products include pottery, baskets, garden accessories, baked goods, floral supplies and other items directly related to the culture, care, use of, or processing of a principal use. Products not related to the principal permitted use such as lawn mowers and tractors shall not be allowed

A24 AS

- (E) Retail sales areas within structures shall not exceed, in the aggregate 10,000 square feet of floor area or a Floor Area Ratio of .02, whichever is greater.

In addition to Standards (B) through (E) above, Farm markets (off-site production) must meet the following additional standards:

- (F) A minimum of twenty five percent (25%) of the products offered for sale sold at the Farm Market (off-site production) must be produced in Loudoun County. An annual report verifying this percentage shall be submitted to the Zoning Administrator on request.
- (G) Parking spaces for Farm markets (off-site production) are calculated at a rate of 4/1,000 square feet of floor area of indoor and outdoor sales area, minimum of 10 spaces per establishment.
- (H) Landscaping/Buffering/Screening.
- (1) Buffer. The use shall comply with the landscaping and screening standards of Section 5-653(A)
 - (2) Parking Areas. Parking areas shall be screened to comply with the requirements of Section 5-653(B).
 - (3) Storage Areas. All storage areas shall be screened and landscaped consistent with the standards of Section 5-653(C).

Division C: Required Development Approvals

Section 6-700 Site Plan Review.

6-701 Site Plan Required. Site plan approval is required prior to the development of any land when the development or land falls within the following categories:

- (A) All uses in the commercial districts.
- (B) All uses in the industrial districts.
- (C) All nonresidential uses in the AR-1 and AR-2 Districts, but excluding permitted uses within the "agriculture support and services related to agriculture, horticulture, and animal husbandry" use category that do not involve access by the public as a part of such use. ~~Agricultural, horticulture, and animal husbandry permitted uses or those uses requiring a Rural Sketch Plan as identified in Section 6-701 do not require a site plan.~~

- (D) Agricultural, horticulture, and animal husbandry permitted uses or those uses requiring a Rural Sketch Plan as identified in Section 6-701 do not require a site plan.
- ~~(D)~~ (E) All permitted uses in the residential districts, except for agricultural structures and single family attached and detached dwellings, or those uses requiring a Sketch Plan as identified in Section 6-703, and accessory uses and structures allowed under Section 5-101.
- ~~(E)~~ (F) Those special exception uses and structures which require a site plan.
- ~~(F)~~ (G) Any development in which any required off-street parking space is to be used by more than one establishment.
- ~~(G)~~ (H) When an alteration or amendment is proposed to the site improvements or design of a previously approved site plan.
- ~~(H)~~ (I) When an existing residential use is proposed for a change to a commercial, industrial, or multi-family residential use.
- ~~(I)~~ (J) All public buildings and institutions.
- ~~(J)~~ (K) All other uses involving a building required to be reviewed by the Planning Commission under Section 15.2-2232 of the Code of Virginia, as amended.
- ~~(K)~~ (L) Above-ground structures associated with a public utility, utility substation, water or sewer pumping station, water or sewer treatment facility or commercial communication tower.
- ~~(L)~~ (M) Temporary or permanent parking uses and parking structures.

6-702 Site Plan Requirements. The requirements for submissions, review and approval of all types of site plans shall be pursuant to the Land Subdivision and Development Ordinance and the Facilities Standards Manual. In addition to the submission requirements of the Facilities Standards Manual, the following materials shall be submitted as part of the initial submission for any type of site plan application, as applicable:

- (A) The approved concept development plan, rezoning plat, or special exception plat;
- (B) The Copy Tests of the Board of Supervisors action on such plan or plat;
- (C) A copy of the approved proffers and/or special exception conditions;
- (D) A copy of any zoning determinations or modifications, FSM waiver letters, state and federal wetlands permits, and LSDO determination letters pertaining to the subject property.

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6-703 Rural Sketch Plan

- (A) A Rural Sketch Plan is required as part of a zoning permit application in the A-3, A-10, AR-1, and AR-2 zoning districts for the following permitted uses: Animal Care Business, Child Care Home, Farm Market [excluding the use Farm market (without on-site production)], Stable (Private or Neighborhood), and Wayside Stand.
- (B) Rural Sketch plans shall include a drawing of all aspects of the business operations including the location, size and dimensions of buildings, the size and dimensions of areas within existing structures to be used for the business; size, dimensions, and location of any accessory structures, outdoor storage yards, and location of any accessory structures, outdoor storage yards, and screening buffering; quantity and dimensions of parking spaces; location of proposed signs, if any; location of wells and septic systems; and the approximate location of any on-site floodplain as determined from the County map. In addition, the Rural Sketch plan shall include the location and width of entrances and adjacent right-of-way, adjoining properties, and easements.
- (C) The Rural Sketch Plan need not be drawn to scale, nor does it have to be prepared by a licensed professional. However, distances from structures to adjacent lot lines must be accurately depicted.

ARTICLE 8, DEFINITIONS:

Farm Market: A principal use which includes the sale of aquacultural, horticultural or agricultural products, including nursery stock, perennial, annuals, bulbs, mulch, compost, dried flowers, Christmas trees and greens, fresh produce, honey, cider, and similar agricultural products. A minimum of twenty five percent (25%) of the products offered for sale sold must be aquacultural, horticultural, animal husbandry or agricultural products produced on-site or other property owned or leased by the operator within Loudoun County. A Farm market shall be located on the site of ongoing agricultural, horticultural or aquacultural activity unless stated elsewhere in the Zoning Ordinance.

Farm Market (off-site production): A principal use which includes the retail sale of aquacultural, horticultural or agricultural products, including nursery stock, perennial, annuals, bulbs, mulch, compost, dried flowers, Christmas trees and greens, fresh produce, honey, cider, and similar agricultural products. A minimum of twenty five percent (25%) of the products offered for sale sold must be aquacultural, horticultural, animal husbandry or agricultural products produced within Loudoun County. A Farm market (off-site production) As an Agricultural market may or may not be located on the site of ongoing agricultural, horticultural or aquacultural activity. This use may include the sale of products from one or more vendors.

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5-626

Agriculture, Horticulture and Animal Husbandry.

(A) Parcel Size.

- (i) Agriculture, and Horticulture and Animal Husbandry uses shall have no minimum lot size be located on parcels 5 acres in size or larger.

~~(B) Best Management Plan Required for Animal Husbandry Uses. Prior to establishment of an animal husbandry use on a property of less than five acres, the property owner shall prepare a Best Management Plan indicating the types and quantity of proposed animals, location and size of existing and proposed structures, distances of structures from all property lines, grazing areas, and locations of wells and septic fields and reserve septic fields. This Plan shall be reviewed and approved by the Virginia Cooperative Extension office or other competent authority recognized by Loudoun County, who shall verify that the subject property is capable of supporting the number of animals proposed. After approval of the Best Management Plan, no additional animals may be added to the site without an approved amendment to the Plan.~~

- (ii) On parcels of less than 5 acres, animal husbandry uses shall require two usable acres. Usable acreage is land that is not located within 100 (one hundred) feet of a well, does not contain steep slopes, floodplain, a drainfield or reserve drainfield area, and is at least 30 feet from a stream. The animal husbandry use shall not exceed a maximum of 1 animal unit, as defined in the table in Section 5-626(A)(ii)(a). The types of animals permitted on less than 5 acres are limited to only those animals as listed or referenced in said table.

- (a) A single animal unit is defined as and limited to any one of the following:

<u>1 cow</u>	<u>1 horse*</u>
<u>5 sheep</u>	<u>32 chickens</u>
<u>16 ducks</u>	<u>8 turkeys</u>
<u>6 goats</u>	<u>8 geese</u>
<u>2 llamas</u>	<u>1 emu*</u>
<u>4 alpacas</u>	

"Horse" shall include pony, mule, burro, and donkey. In determining the number of livestock on the Property, all

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animals of any age shall be counted, with the exception that llamas, alpacas, sheep and goats under one (1) year of age shall not be counted and poultry under six (6) months of age shall not be counted. In determining the number of livestock permitted, combinations of animals are permitted, provided that no more than the maximum number of animal units shall be permitted. (An example of a combination of 2 animal units would be 5 sheep and 8 geese, totaling 2 units; or 3 goats (1/2 unit), 16 chickens (1/2 unit) and a horse, totaling 2 units.)

*A companion animal may be provided for a single horse or emu. A companion animal may be a donkey, mule, llama, alpaca, miniature horse, sheep, goat or foal.

(iii) Prior to permitting more than 1 animal unit on a parcel of less than 5 acres with at least 2 usable acres, a Conservation Farm Plan (also known as a farm management plan), including a manure management plan, executed through and with the Loudoun Soil and Water Conservation District (SWCD) and the Virginia Cooperative Extension Service (VCES) shall be required. This plan shall include a Best Management Section identifying the best management practices necessary to support the proposed types and quantity of animals. The Best Management Section shall be reviewed by the Virginia Cooperative Extension Service to confirm that is consistent with generally accepted Animal Husbandry standards. After approval of the Best Management Plan, no additional animals may be added to the site without an approved amendment to the Plan.

(i) Properties without a minimum of two usable acres, may establish animal husbandry uses with submission of a Conservation Farm Plan (also known as a farm management plan), executed through and with the Loudoun Soil and Water Conservation District (SWCD) and the Virginia Cooperative Extension Service (VCES) as described in Section 5-626(A)(ii) above. After approval of the Plan, no additional animals may be added to the site without an approved amendment to the Plan.

(B) Setbacks for Certain Structures. No structure for housing livestock including barns, run-in sheds, stables, and the like shall be located closer than 60 feet from the property line of an adjoining lot where a residential dwelling existing at the time of

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construction of the structure is the principal use. This setback shall not apply if a residential dwelling is located more than 60 feet from the property line adjoining the structure.

Article 8, Definitions:

Animal Husbandry. The active and on-going propagation, rearing, exercising, feeding, milking, housing, controlling, handling, or general care of living animals, including the raising and production of bison, cattle (beef and dairy), pigs, mules, ducks, emus, horses, goats, llama, alpaca, poultry, pigeons, sheep, and similar animal husbandry uses, but not including miniature horses or pot-belly pigs. Animals meeting the definition of "Pet" or non-domesticated (wild) animals shall not be considered Animal husbandry.

Livestock. Animals, especially farm animals, raised for use, profit or enjoyment including horses, bison, cattle, pigs, mules, sheep, goats, alpacas, llamas, emus, and other similar domesticated animals, but not including miniature horses and pot-belly pigs.

Pet. An animal kept for pleasure rather than utility, not included within the definition of animal husbandry, such as dogs; cats; birds; non-poisonous spiders; chameleons and similar lizards; non-poisonous snakes; pot-belly pigs; hamsters; ferrets; gerbils; guinea pigs; pet mice and pet rats; turtles; fish; domesticated rabbits; miniature horses; and other similar domesticated animals. The keeping of such animals is an accessory use to a dwelling unit.

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Agriculture Support Uses (Direct Association with Agriculture, Horticulture or Animal Husbandry).

(A) Intensity/Character.

(1) **In Association with On-Going Agriculture, Horticulture, or Animal Husbandry Use.** The agriculture support use (direct association) shall be allowed only in direct association with an on-going agriculture, horticulture, or animal husbandry use or activity.

(2) **Site Size.** The minimum lot area for any agriculture support use (direct association) shall be 5 acres except the following uses shall have no minimum lot area:

[Redacted]	
Equitation Facility	No minimum
Stable	No minimum

(3) **Visitors/Customers/Parking Spaces.** The minimum lot area shall increase based on the number of visitors/customers attracted to the use, as follows:

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Permitted Facility	Requirements	Minimum Acreage
Exhibition Facility	No more than 50 visitors on any one day; no more than 25 vehicles allowed on site at any one time.	0 acres up to 5
Stable	No more than 50 visitors on any one day; no more than 25 vehicles allowed on site at any one time.	0 acres up to 5
All Other Uses		
Level I—small scale	No more than 200 visitors on any one day; no more than 100 vehicles allowed on site at any one time.	5 acres, up to 25
Level II—medium scale	> 200 visitors on any one day, no more than 400; no more than 200 vehicles allowed on site at any one time.	>25 acres, up to 50
Level III—large scale	> 400 visitors on any one day, no more than 600; no more than 300 vehicles allowed on site at any one time, except 4 additional visitors and 2 additional vehicles allowed per acre in excess of 100 acres.	>50 acres, up to 100

(4) **Hours of Operation.** Hours of operation for any agriculture support use (direct association) shall be limited to the hours from 6:00 a.m. to 9:00 p.m.

(5) **Owner.** The agriculture support use (direct association) shall be operated or maintained by the owner or occupant of the land upon which the primary associated agriculture, horticulture, or animal husbandry use is being conducted.

(B) **Size of Use.**

(1) **Structure.** The size of structures used in the agricultural support use (direct association) shall not exceed the following gross floor area (total all structures):

Permitted Facility	Minimum Acreage	Maximum Gross Floor Area
Exhibition Facility	0 to 5 acres	6,000 square feet
Stable	0 to 5 acres	6,000 square feet
All Other Uses		
Level I—small scale	5 to 25 acres	12,000 square feet
Level II—medium scale	>25 acres, up to 50 acres	24,000 square feet
Level III—large scale	> 50 acres, up to 100 acres. Additional structure size allowed by right at rate of 2,400 square feet per 10 acres in excess of 100 acres.	36,000 square feet

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